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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,995	12/14/2001	Stefan Alfons Hepper	DE920000081US1	4982
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David Aker 23 Southern Road Hartsdale, NY 10530			EXAMINER LAZARO, DAVID R	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 08/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/016,995

Applicant(s)

HEPPER ET AL.

Examiner

David Lazaro

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9, 11, 12 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9, 11, 12 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to the amendment filed 06/11/2007.
2. Claim 20 was amended.
3. Claims 1-8, 10 and 13-19 are canceled.
4. Claims 9, 11, 12 and 20-22 are pending in this office action.

### ***Response to Amendment***

5. Applicant's arguments filed 06/11/2007 have been fully considered but they are not persuasive. See Response to Arguments.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 9, 11, 12, 20 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,651,063 by Vorobiev (Vorobiev).
8. With respect to claim 20, Vorobiev teaches a computer system including at least one content provider for providing content to a user coupled to a portal (Col. 2 lines 57-59, Col. 3 lines 23-65, and Col. 6 lines 27-65), said portal being capable of connection

Art Unit: 2155

to a user, wherein said at least one content provider comprises means for offering a new content to the portal (Col. 2 lines 55-56 and Col. 3 lines 23-65, and Col. 6 lines 27-65), said new content being a new feed or channel, wherein the portal comprises (Col. 3 lines 23-65, Col. 6 lines 27-65, and Col. 7 lines 8-26):

means for comparing credentials of said at least one content provider with stored credentials of registered content providers (Col. 10 lines 11-31: providers must register and are authenticated based on registration), said means for comparing including an intelligent program with a rule database, which automatically checks credentials of a new content provider and establishes a decision whether to accept or reject the new content provider, thus automatically registering new content providers (Col. 10 lines 11-31 - processing station authenticates, checks for proper registration, and verifies proper formatting);

checking means for the portal to check the new content semi-automatically or fully automatically (Col. 10 lines 25-31: processing station checks information before it is stored in the user data repository; also Col. 7 line 62 - Col. 8 line 35: new content is checked to see if it should be automatically blocked based on the provider and on user preferences);

means for accepting or rejecting said new content of said at least one content provider, based on a determination of said checking means (Col. 10 lines 25-31: information accepted/rejected based on format; Col. 7 line 62 - Col. 8 line 35: new content accepted/rejected base on provider information and user preferences);

a publish service for receiving information from the content provider concerning the new content which the content provider can provide for publication by the portal (Col. 6 lines 26-65: the portal receives new information from a content provider, the portal processes and analyzes the information and general makes the information available to the intended user. The examiner considers this to be within the scope of the "publish service");

a portal content queue for storing the information (Col. 10 lines 25-31: Processing station would store incoming information in order to verify the format);

a portal content catalogue for storing accepted new content (Col. 7 lines 8-40 and Col. 10 lines 25-31: User Data Repository is acts as a content catalogue for verified information)

a portal configuration in which entire available content of the portal is assembled (Col. 7 lines 8-40 and Col. 8 line 66 - Col. 9 line 14: User Data repository gives access to information in both the quarantine area and the private area);

a portal aggregation for assembling content to be sent to a user in response to a user request to the portal for information from a content provider (Col. 7 lines 8-40 and Col. 9 lines 36-40: the examiner considers the act of accessing the User Data Repository - assembled content - as being a request).

9. With respect to claim 21, Vorobiev further teaches wherein said checking means comprises: administrator means; and a content manager for evaluating the new content based on a decision of said administrator means (Col. 10 lines 25-31: information

accepted/rejected based on format; Col. 7 line 62 - Col. 8 line 35: new content accepted/rejected base on provider information and user preferences).

10. With respect to claim 22, Vorobiev further teaches means for sending a message of the decision of the administrator means to a content provider that provided content (Col. 10 lines 52-56: reverse communication link provides means for notifying the provider of a confirmation of receipt of content or a blocking of content).

11. Claim 9 is rejected based on the same logic presented in the rejection of Claim 20 and further noting Col. 2 lines 17-21 and Col. 20 lines 7-13.

12. With respect to claim 11, Vorobiev further teaches the portal comprises a database for registered content provider credentials (Col. 8 lines 23-65).

13. With respect to Claim 12, Vorobiev further teaches wherein said at least one content provider, the portal and the user are coupled via the Internet (Col. 6 lines 21-26).

### ***Response to Arguments***

14. Applicant's arguments filed 06/11/2007 have been fully considered but they are not persuasive.

15. Applicant argues on pages 5-6 of the remarks - "*Applicant's invention, as set forth in claim 20, provides a complete and automatic content publishing system. New content providers are automatically accepted or rejected. New content is checked semi-automatically or fully automatically. There is no teaching or suggestion in Vorobiev of such a complete, end-to-end automatic content publishing system.*"

- a. Examiner's response - Vorobiev teaches both an automatic verification of content providers (Col. 10 lines 11-31: providers must register and registration is

verified by the publication system) and an automatic checking of new content (Col. 10 lines 25-31: information accepted/rejected based on format; Col. 7 line 62 - Col. 8 line 35: new content accepted/rejected base on provider information and user preferences). Applicant's arguments are not persuasive.

16. Applicant argues on page 6 - *"While the Examiner has found portions of Vorobiev that may function in somewhat similar ways to the structures of claim 20, there is no teaching or suggestion of the particular organization of functional blocks of claim 20. Applicant respectfully disagrees with the Examiner, in the Examiner's assertion that Vorobiev teaches or suggests the specific combination of blocks set forth in claim 20. In fact the portals described in Vorobiev have a much simpler structure and do not perform the functions set forth for the various elements of claim 20. Specifically, Vorobiev does not teach or suggest..."*

b. Examiner's response - Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant's arguments are not persuasive.

17. Applicant argues on page 7 of the remarks - *"Newly added claim 22 recites means for sending a message of the decision of the administrator means to a content provider that provided content...The prior art does not teach or suggest this approach. It is thus submitted that claim 22 is also directed to patentable subject matter."*

c. Examiner's response - In Col. 10, lines 52-56, Vorobiev discusses a reverse communication link, which provides means for notifying the provider of a confirmation of receipt of content or a blocking of content. The examiner

considers this to be within the scope of the claim language of claim 22.

Applicant's arguments are not persuasive.

### ***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Lazaro  
August 27, 2007



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